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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant:	Singh et al.	Examiner:	Yao, K.
Application No.:	08/741,265	Group Art Unit:	2667
Filed:	October 30, 1996	Docket No.:	8X8S.004US01 Old: 11611.4US01
Title:	Internet Telephony Arrangement and Method		

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APPEAL BRIEF

Board of Patent Appeals and Interferences
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Sir:

This is an Appeal Brief submitted pursuant to 37 C.F.R. § 41.37 for the above-referenced patent application. Please charge Deposit Account No. 50-0996 (8X8S.004US01) in the amount of $500.00 for this brief in support of appeal as indicated in 37 C.F.R. § 41.20(b)(2). If necessary, authority is given to charge/credit deposit account 50-0996 (8X8S.004US01) any additional fees/overages in support of this filing.

I. Real Party in Interest

The real party in interest is the assignee, 8x8, Inc.

II. Related Appeals and Interferences

Appellant is unaware of any related appeals, interferences or judicial proceedings that would have a bearing on the Board's decision in the instant appeal.

III. Status of Claims

Claims 1-12 and 16-33 are presented for appeal and each of the appealed claims, 1-12 and 16-33, is rejected. Claims 13-15 and 34-38 have been canceled. The pending claims under appeal, as presently amended, may be found in the attached Appendix of Appealed Claims.

IV. Status of Amendments

Claims 34-38 were canceled subsequent to the final Office Action dated August 16, 2005, and the Advisory Action dated November 22, 2005, indicated that the amendment was entered.

V. Summary of Claimed Subject Matter

The independent claims involved in the appeal are directed to managing telephony communications as a function of Internet connectivity of a designated party. For example, when a user wishes to make a call to a particular party, the Internet protocol connectivity status of that party can be ascertained to determine whether the party can receive an Internet protocol telephone call. This connectivity status may be determined by, for example, actively checking (via the Internet) the current online status. If the party is off line, the telephone call can be connected using a standard switched telephone network. If the party is online, the call can be connected using an Internet protocol telephone network.

An example embodiment of the present invention is directed to an arrangement for providing telephonic communication which may be selectively transmitted via the Internet using standard Internet protocols. *See, e.g.*, Figs. 1, 2A-B, and the corresponding discussion at page 4, line 26 - page 7, line 27 and claim 1. The arrangement includes a telephone (*e.g.*, 20 of Fig. 1) and an interface unit (*e.g.*, 10 of Fig. 1 and claims 24 and 31) coupled to the

telephone where the interface unit is configured and arranged to receive audio information designating a telephonic communication addressee from the telephone. The interface unit includes a first output port (*e.g.*, 101A or 101B of Figs. 2A and 2B, respectively), a second output port (*e.g.*, 102A or 102B of Figs. 2A and 2B, respectively), and a processing unit (*e.g.*, 12 of Fig. 1 and claim 25) to analyze the audio information as a function of Internet protocol connectivity status of the telephonic communication addressee. The first output port is configured to be coupled to a standard switched telephone communications network (*e.g.*, 31 of Fig. 1), and the second output port is configured to be coupled to an Internet communications network (*e.g.*, 30 of Fig. 1). In response to the processing unit's analysis, the processing unit determines whether the audio information received from the telephone is to be coupled to the first output port to establish a standard telephonic communication using the standard switched telephone communications network or if the audio information is to be processed in accordance with the standard Internet transfer protocols and coupled to the second output port to establish an Internet communication using the Internet communications network to communicate the processed audio information in accordance with the standard Internet transfer protocols. Other variations of this embodiment are disclosed in claim 31; claim 24, which is directed to an interface unit; and claim 25, which is directed to a processing unit.

Another example embodiment of the present invention is directed to a method of providing telephonic communication using an Internet communications channel. The method may be understood using the apparatus of Fig. 3 and the corresponding discussion at page 7, line 28 - page 10, line 27 and claim 12. The method includes providing a first communications device (*e.g.*, 301) that is coupled to a standard switched telephone network for normal telephonic communication and to an Internet connection coupled to the Internet. The first communications device includes an interface device provided to selectively couple an output of the first communications device to one of the standard switched telephone network and the Internet connection, and the interface device is adapted to automatically determine, in response to data information designating a communication addressee and as a function of Internet protocol connectivity status of the communication addressee, whether the output is to be selectively coupled to at least one of: the standard switched telephone network and the Internet connection. The method further includes providing a second

communication device coupled to the Internet. A call is initiated using the first communication device to the second communication device by establishing an initial Q.931 protocol (*e.g.*, using software module 311). Far end control of the second communication device is established by the first communication device in accordance with an H.245 protocol (*e.g.*, using software module 309). Gatekeeper signaling is performed in the first communication device accordance with an RAS protocol. *See* page 10, lines 1-13. Then audio information of the telephonic communication is packetized for transfer over the Internet using a standard real-time transfer protocol (RTP) (*e.g.*, using software module 307). *See* page 10, lines 14-27. Another variation of this embodiment is disclosed in claim 17.

Another example embodiment is directed to an arrangement for providing telephonic communication that may be selectively transmitted via the Internet using standard Internet protocols. *See, e.g.*, Figs. 1, 2A-B, and the corresponding discussion at page 4, line 26 - page 7, line 27 and claim 16. The arrangement includes a telephone such as a conventional telephone, including those with portable wireless handsets (*e.g.*, 20, 20A, 20B of Figs. 1, 2A, 2B, respectively). The arrangement also includes interface means (*e.g.*, 10 of Figs. 1, 2A, 2B) coupled to the telephone and configured and arranged to receive audio information designating a telephonic communication addressee. The interface means may be a stand-alone unit as shown in Fig. 2A or integrated with a keypad/DTMF circuit (*e.g.*, 22 in Fig. 1) in a single telephony device as shown in Fig. 2B. *See* page 5, lines 4-7 and 19-23. The interface means includes first output means (*e.g.*, 101A or 101B of Figs. 2A and 2B, respectively), second output means (*e.g.*, 102A or 102B of Figs. 2A and 2B, respectively), and processing means (*e.g.*, 12 of Fig. 1). The first output means may be an output port such as a standard telephone port (*e.g.*, PSTN) that is configured to be coupled to a standard switched telephone communications network. The second output means may be an output port such as an ethernet port that is configured to be coupled to an Internet communications network. The interface means also includes processing means such as the reduced instruction set computing chip (RISC) 12 of Fig. 1. The processing means can also include combinations of circuitry in the interface means including, for example, a processor, memory (RAM and ROM), communication circuitry and an audio codec (*e.g.*, 12, 14, 16, 18 and 19 of Fig. 1). *See, e.g.*, page 6, line 23 - page 7, line 27. The processing means is configured and arranged to determine, as a function of Internet protocol connectivity status of the

telephonic communication addressee, whether the audio information received from the telephone is to be coupled to the first output means to establish a standard telephonic communication using the standard switched telephone communications network, or to be processed in accordance with the standard Internet transfer protocols and coupled to the second output means to establish an Internet communication using the Internet communications network to communicate the processed audio information in accordance with the standard Internet transfer protocols.

As required by 37 C.F.R. § 41.37(c)(1)(v), a concise explanation of the subject matter defined in the independent claims involved in the appeal has been provided. Appellant notes that representative subject matter is identified for these claims; however, the abundance of supporting subject matter in the application prohibits identifying all textual and diagrammatic references to each claimed recitation. Appellant thus submits that other application subject matter, which supports the claims but is not specifically identified above, may be found elsewhere in the application. Appellant further notes that this summary does not provide an exhaustive or exclusive view of the present subject matter, and Appellant refers to the appended claims and their legal equivalents for a complete statement of the invention.

VI. Grounds of Rejection to be Reviewed on Appeal

A. The invention of claims 1, 4, 16-28 and 30-33 stands rejected under 35 U.S.C. § 102(e) over Kubler *et al.* (U.S. Patent No. 5,726,984).

B. The invention of claims 2, 3, 5, 6, 12 and 29 stands rejected under 35 U.S.C. § 103(a) over Kubler *et al.* in view of Kuthyar *et al.* (U.S. Patent No. 5,909,431), Shinohara *et al.* (U.S. Patent No. 5,351,237).

C. The invention of claims 7 and 10 stands rejected under 35 U.S.C. § 103(a) over Kubler *et al.* in view of Schulzrinne *et al.* (RFC 1889).

D. The invention of claims 8, 9 and 11 stands rejected under 35 U.S.C. § 103(a) over Kubler *et al.* in view of Kuthyar *et al.*, and Shinohara *et al.*, and further in view of Schulzrinne.

VII. Argument

A. The invention of claims 1, 4, 16-28, and 30-33 should be allowed over the '984 reference because the Examiner's Section 102(e) rejection is not supported with evidence that all aspects of the claimed invention are taught by the '984 reference.

The '984 reference does not correspond to the claimed invention in that the '984 reference does not teach or suggest the claimed limitations concerning the analysis performed by the processing unit to decide whether to connect the telephone to the first output port or the second output port. Claim 1, for example, requires "a processing unit ... to analyze the audio information as a function of Internet protocol connectivity status of the telephonic communication addressee." Thus, the processing unit analyzes the audio information based on ("as a function of") whether the addressee is connected to the Internet ("Internet protocol connectivity status of the telephonic communication addressee"). If the addressee is connected to the Internet, an advantage is that the telephone call can be connected to the addressee (via the second output port) over the Internet instead of having to use the standard switched telephone communications network. Accordingly, this important aspect of Appellant's claimed invention is the processing unit analyzing "the audio information as a function of Internet protocol connectivity status of the telephonic communication addressee" in order to make this communication-connection determination. The '984 reference does not correspond in any way to this aspect of the claimed invention.

The Examiner relies on the processing circuit 5609 (of the '984 reference) as allegedly corresponding to the above limitations. However, this reliance is misplaced. As discussed at column 88, the '984 reference teaches that the processing circuit 5609 routes calls only in response to a user-defined parameter. For example, with respect to the four discussed routing paths (a-d), "the host device will look to see if the user has indicated therein the desire to" use one of the four paths. Column 88, lines 8-9. Further, if no path is designated, the host device treats the call as if it were a "d" selection: prompting the user each time a call is attempted to select the routing path. Column 88, lines 12-15. The routing path is selected by the user and can only be changed by the user. *See* column 88, lines 48-64. The processing circuit 5609 does not determine the routing path in response to analyzing audio information as a function of Internet connectivity status, as claimed. Without a

presentation of correspondence to each of the claimed limitations, the Section 102(e) rejection is improper and should be reversed.

The Examiner's further reliance on teachings of the '984 reference at columns 100 and 101 do not overcome the above-discussed deficiencies of the 5609 processing circuit. The quoted (at page 13 of the Final Office Action) and cited portions of the '984 reference clearly show that a user determines whether a call is placed over the internet or a telephone switching system routing: "If an internet address is found, the computer 6303 (via its computer card) delivers a voice message to the telephone 6323 prompting the user to select (via a keypad on the telephone 6323) either internet or telephone switching system routing." The '984 reference is limited to responding to commands or predefined lists when selecting a telephony communication approach. That is, the '984 reference relies upon user input to determine the type of telephone communication link to use when calling a telephone addressee. The '984 reference does not teach or suggest any implementation in which the processing circuit 5609 determines an approach to establishing telephonic communications based on analysis as a function of the Internet connectivity status of a telephone addressee.

Moreover, the cited portions of the '984 reference at columns 100 and 101 do not make any reference to any operation of the processing circuit 5609, as alleged on pages 3-4 of the Final Office Action. In contrast, the discussion at columns 100 and 101 refer to a different embodiment and appear to be unrelated to processing circuit 5609. The Examiner's citation of columns 100 and 101 is misleading and results in an apparent proposed modification of the embodiment of the 5609 processing circuit. Such a proposed modification, one that relies upon unrelated portions of the same reference, is improper according to the MPEP and relevant case law because there must be evidence of motivation to modify the processing circuit 5609 as suggested, yet no such motivation or explanation has been provided. Such a modification is also inappropriate under Section 102(e) and fails to provide adequate support for such a rejection.

B. The Section 103(a) rejection of claims 2, 3, 5, 6, 12 and 29, which relies on the flawed interpretation of the '984 reference, is also improper because there is no prior-art correspondence to the claimed invention and because there is no evidence that a skilled artisan would be motivated to make the asserted combination.

The Examiner's proposed modification of the '984 reference fails to overcome the above-discussed deficiencies of the '984 teachings; therefore, the proposed modification fails to correspond to the claimed invention. As explained above, the '984 reference fails to teach the claimed limitations directed to determining whether audio information is to be coupled to a standard switched telephone network or an Internet communications network in response to analyzing the audio information as a function of the Internet connectivity status of a telephone addressee. The Examiner does not assert that the '431 reference or the '237 reference overcomes these deficiencies, nor do the references appear to teach such limitations. Thus, the proposed combination of references also fails to teach each of the claimed limitations and the Section 103(a) rejection is improper. Appellant accordingly requests that the rejection be reversed.

Moreover, the Examiner fails to cite any evidence of motivation that a skilled artisan would combine the teachings of the '431 reference and the '237 reference with those of the '984 reference. Under the law, a Section 103(a) rejection must be supported by evidence that the prior art would lead a skilled artisan to implement the modification. *Ruiz v. A.B. Chance Co.*, 234 F.3 654; 57 USPQ.2D 1161 December (December 6, 2000) ("Our court has provided [that the] motivation to combine may be found explicitly or implicitly: 1) in the *prior art references* themselves; 2) in the knowledge of those of ordinary skill in the art that *certain references*, or disclosures in those references, are of special interest or importance in the field; or 3) from the nature of the problem to be solved, 'leading inventors to look to *references* relating to possible solutions to that problem.'")(emphasis added). For the instant rejection, the Examiner has not presented any evidence from the asserted references that a skilled artisan would use (or modify) the cited references to correspond to the claimed invention and instead has used hindsight reasoning in an attempt to piece together disparate teachings.

Further, the Examiner's argument for modifying the '984 reference is flawed. The Examiner argues that the proposed combination could be used to take advantage of various

standard protocols. However, the '984 reference does not need to be modified in order to communicate with such standard protocols. Thus, the skilled artisan would not be led by the prior art, or by logical thought, to implement the modifications proposed by the Examiner. Without a presentation of evidence from the cited teachings that one skilled in the art would combine the cited teachings to achieve the limitations of the claimed invention, the Section 103(a) rejection is improper and should be reversed.

C. The Section 103(a) rejection of dependent claims 7 and 10 is improper because the Examiner fails to present any evidence of correspondence to the claimed invention, improperly relies on an uncited reference, and fails to present evidence of motivation for modifying any references.

The Section 103(a) rejection of dependent claims 7 and 10 is flawed because: the rejection is based on the flawed interpretation of the '984 reference as applied in connection with the rejection of claim 1 and the rejection is based on a combination of teachings that is unsupported by evidence and unclear.

Assuming that the rejection of dependent claims 7 and 10 is based on the '984 reference as interpreted in the rejection of claim 1, then this rejection of claims 7 and 10 is improper for the reasons discussed above in connection with independent claim 1 (due to the deficient teachings of the '984 reference). The rejection of claims 7 and 10 appears to rely upon the same primary '984 reference that is shown to be insufficient grounds of rejection as discussed above. "If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious." MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Appellant submits that the rejection of claims 7 and 10 should be reversed because underlying claim 1 is distinguishable from the asserted references.

The asserted combination of teachings is also not supported by any evidence from the cited teachings. As discussed above, a Section 103(a) rejection must be supported by evidence that the prior art would lead a skilled artisan to implement the modification. *Ruiz v. A.B. Chance Co.*, 234 F.3 654; 57 USPQ.2D 1161 December (December 6, 2000). The Examiner merely concludes (with no citations to the prior art) that the asserted modification would reduce the possibility of network congestion. This conclusion also appears to be irrelevant as the Examiner does not indicate how any cited reference teaches how the system

would ascertain that a network is sufficiently (or at all) congested in order to direct a connection to another network or to reduce any network's congestion.

Moreover, the Final Office Action (at the second-to-last line of paragraph 7 on page 11) discusses the modification as being performed on the system of White *et al.* rather than the system of the "Kubler" '984 reference. While the Examiner may have meant "Kubler," the Examiner's failure to cite evidence from the prior art (for making the modification as required under the law) exasperates the inability to ascertain what references are modified and how. White *et al.* is not listed in the statement of rejection nor is any identifying information provided to aide Appellant in reviewing any White *et al.* reference. Appellant submits that the asserted rationale is both wrong and unclear; therefore, Appellant submits that the rejection should be reversed.

Appellant submits that no evidence of motivation has been presented that a skilled artisan would modify either the '984 or another reference, *e.g.* White *et al.* The Examiner has not cited any evidence in support of an alleged modification. Further, Appellant cannot ascertain what the alleged modification might be without the opportunity to review the references relied upon by the Examiner. Thus, the rejection of dependent claims 7 and 10 under 35 U.S.C. § 103(a) is improper and should be reversed.

D. The Section 103(a) rejection of dependent claims 8, 9 and 11 is improper because the Examiner fails to present any evidence of correspondence to the claimed invention and fails to present evidence of motivation for modifying any of the cited references.

The rejection of dependent claims 8, 9 and 11 is improper for the reasons discussed above in connection with independent claim 1. The rejection of claims 8, 9 and 11 relies upon the same primary '984 reference that is shown to be insufficient grounds of rejection as discussed above. "If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious." MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Moreover, Appellant submits that no evidence of motivation has been presented that a skilled artisan would modify any of the cited references. The Examiner has not cited any evidence in support of an alleged modification nor identified how the cited reference would be combined. Thus, the rejection of dependent claims 8, 9 and 11 under 35 U.S.C. § 103(a) is improper and should be reversed.

VIII. Conclusion

In view of the above, Appellant submits that the rejections are improper, the claimed invention is patentable, and that the rejections of claims 1-12 and 16-33 should be reversed. Appellant respectfully requests reversal of the rejections as applied to the appealed claims and allowance of the entire application.

Authority to charge the undersigned's deposit account was provided on the first page of this brief.

Respectfully submitted,

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CLAIMS APPENDIX

1. An arrangement for providing telephonic communication which may be selectively transmitted via the Internet using standard Internet protocols, comprising:

a telephone; and

an interface unit coupled to the telephone and configured and arranged to receive audio information designating a telephonic communication addressee from the telephone, the interface unit including

a first output port configured to be coupled to a standard switched telephone communications network,

a second output port configured to be coupled to an Internet communications network, and

a processing unit configured and arranged to analyze the audio information as a function of Internet protocol connectivity status of the telephonic communication addressee and, in response to the analysis, to determine whether the audio information received from the telephone is to be coupled to the first output port to establish a standard telephonic communication using the standard switched telephone communications network, or if the audio information is to be processed in accordance with the standard Internet transfer protocols and coupled to the second output port to establish an Internet communication using the Internet communications network to communicate the processed audio information in accordance with the standard Internet transfer protocols.

2. An arrangement as recited in claim 1, wherein the standard Internet transfer protocols include a standard gatekeeper protocol for handling gatekeeper signaling, a standard Internet call protocol for handling Internet call signaling and a standard end-to-end protocol for handling end-to-end control.

3. An arrangement as recited in claim 2, wherein the standard gatekeeper protocol uses an RAS standard protocol, the standard Internet call protocol uses a Q.931 standard protocol and the standard end-to-end protocol uses an H.245 standard control protocol.

4. An arrangement as recited in claim 1, wherein the standard Internet transfer protocols include a standard packetization protocol to packetize a stream of audio information.

5. An arrangement as recited in claim 4, wherein the standard packetization protocol uses a standard real-time transfer protocol (RTP).

6. An arrangement as recited in claim 3, wherein the standard Internet transfer protocols include a standard real-time transfer protocol (RTP) to packetize a stream of audio information.

7. An arrangement as recited in claim 4, wherein the standard Internet transfer protocols include a standard quality-of-service protocol for gathering quality-of-service statistics of packetized information delivered to a receiving device.

8. An arrangement as recited in claim 5, wherein the standard Internet transfer protocols include a standard quality-of-service protocol for gathering quality-of service statistics regarding packetized information communicated over the Internet.

9. An arrangement as recited in claim 8, wherein the standard quality-of service protocol uses standard real-time transfer control protocol (RTCP).

10. An arrangement as recited in claim 7, further comprising a monitoring unit provided to monitor the quality-of-service statistics and to adaptively control a rate at which audio information is transferred over the Internet.

11. An arrangement as recited in claim 9, further comprising a monitoring unit provided to monitor the RTCP information and to adaptively control a rate at which audio information is transferred over the Internet.

12. A method of providing telephonic communication using an Internet communications channel, the method comprising the steps of:

providing a first communications device, coupled to a standard switched telephone network for normal telephonic communication and to an Internet connection coupled to the Internet, the first communications device including an interface device provided to selectively couple an output of the first communications device to one of the standard switched telephone network and the Internet connection, the interface device being adapted to automatically determine, in response to data information designating a communication addressee and as a function of Internet protocol connectivity status of the communication addressee, whether the output is to be selectively coupled to at least one of: the standard switched telephone network and the Internet connection;

providing a second communication device coupled to the Internet;

initiating a call using the first communication device to the second communication device using by establishing an initial Q.931 protocol;

establishing far end control of the second communication device by the first communication device in accordance with an H.245 protocol;

performing gatekeeper signaling in the first communication device accordance with an RAS protocol; and

packetizing audio information of the telephonic communication for transfer over the Internet using a standard real-time transfer protocol (RTP).

16. An arrangement for providing telephonic communication that may be selectively transmitted via the Internet using standard Internet protocols, comprising:

a telephone; and

interface means coupled to the telephone and configured and arranged to receive audio information designating a telephonic communication addressee, the interface means comprising:

first output means configured to be coupled to a standard switched telephone communications network,

second output means configured to be coupled to an Internet communications network, and

processing means configured and arranged to determine, as a function of Internet protocol connectivity status of the telephonic communication addressee, whether the audio information received from the telephone is to be coupled to the first output means to establish a standard telephonic communication using the standard switched telephone communications network, or to be processed in accordance with the standard Internet transfer protocols and coupled to the second output means to establish an Internet communication using the Internet communications network to communicate the processed audio information in accordance with the standard Internet transfer protocols.

17. A method for providing telephonic communication that may be selectively transmitted via the Internet using standard Internet protocols, the method comprising:

providing an interface unit having a memory and adapted to receive telephonic communication in response to user intervention and to communicate the telephonic communication via at least one of: a first output coupled to a standard switched telephone network and a second output coupled to an Internet communications network;

providing a telephone device communicatively coupled to the interface unit;

generating audio information, that designates a communication addressee, at the telephone and sending the information to the interface unit;

analyzing the audio information and therein automatically determining, at the interface unit, whether the audio information received from the telephone is to be coupled to the first or second output as a function of Internet protocol connectivity of the designated communication addressee; and

responsive to the determination, coupling the telephone via the interface unit to at least one of the standard switched telephone network and the Internet communications network.

18. The method of claim 17, wherein automatically determining whether the audio information is to be coupled to the first or second output is responsive to comparing a DTMF code received as part of the audio information to a variable stored in memory at the interface and is without further user intervention.

19. The method of claim 17, wherein automatically determining whether the audio information is to be coupled to the first or second output is responsive to detecting a DTMF code received as part of the audio information that represents the number for a local Internet access provider and is without further user intervention.

20. The method of claim 17, wherein automatically determining whether the audio information is to be coupled to the first or second output is responsive to comparing a DTMF code received as part of the audio information to a telephone number stored in memory at the interface and is without further user intervention.

21. The arrangement of claim 1, wherein the interface unit further comprises a memory, and wherein the processing unit is adapted to automatically determine whether the audio information is to be coupled to the first or second output by comparing a DTMF code received as part of the audio information to a variable stored in memory at the interface, without further audio information.

22. The arrangement of claim 1, wherein the processing unit is adapted to automatically determine whether the audio information is to be coupled to the first or second output by detecting if a DTMF code received as part of the audio information represents the number for a local Internet access provider, without further audio information.

23. The arrangement of claim 1, wherein the interface unit further comprises a memory, and wherein the processing unit is adapted to automatically determine whether the audio information is to be coupled to the first or second output by comparing a DTMF code received as part of the audio information to a telephone number stored in memory at the interface, without further audio information.

24. An interface unit for providing telephonic communication, the interface unit including:

a first output port configured to be coupled to a standard switched telephone communications network,

a second output port configured to be coupled to an Internet communications network, and

a processing unit configured and arranged to receive audio information including information that designates a telephonic communication address, to analyze the telephonic communication address as a function of Internet protocol connectivity status of the telephonic communication address and, in response to the analysis, to determine whether the audio information is to be coupled to the first output port to establish a standard telephonic communication using the standard switched telephone communications network, or if the audio information is to be processed in accordance with the standard Internet transfer protocols and coupled to the second output port to establish an Internet communication using the Internet communications network to communicate the processed audio information in accordance with the standard Internet transfer protocols.

25. A processing unit configured and arranged to receive audio information including information that designates a telephonic communication address, to analyze the telephonic communication address as a function of active Internet protocol connectivity status of the telephonic communication address and, in response to the analysis, to determine whether the audio information is to be transmitted via a standard switched telephone communications network or if the audio information is to be transmitted via an Internet communications network.

26. The arrangement of claim 1, wherein the processing unit is further configured and arranged to analyze a portion of the audio information that designates the telephonic communication addressee as a function of Internet protocol connectivity status of the telephonic communication addressee by searching for an active Internet protocol address for the telephonic communication addressee.

27. The arrangement of claim 26, wherein the processing unit is configured and arranged to, in response to the addressee not having an active Internet protocol address, couple the audio information to the first output port to establish a standard telephonic communication using the standard switched telephone communications network, and, in response to the addressee having an active Internet protocol address, couple the audio information to the second output port to establish an Internet communication using the Internet communications network to communicate the processed audio information in accordance with the standard Internet transfer protocols.

28. The arrangement of claim 1, wherein the processing unit is configured and arranged to associate the audio information with an Internet protocol address and to analyze the audio information as a function of Internet protocol connectivity status of the telephonic communication addressee by using the Internet protocol address to determine whether the addressee is currently connected to the Internet.

29. The method of claim 12, wherein initiating a call using the first communication device to the second communication device using by establishing an initial Q.931 protocol includes:

searching for an active Internet protocol address for the communication addressee; and

in response to finding an active Internet protocol address for the communication addressee, establishing the initial Q.931 protocol.

30. The arrangement of claim 24, wherein the processing unit is further configured and arranged to analyze a portion of the audio information that designates the telephonic communication addressee as a function of Internet protocol connectivity status of the telephonic communication addressee by searching the Internet for an active Internet protocol address for the telephonic communication addressee.

31. An interface unit for providing telephonic communication between a calling party and another party, the interface unit comprising:

a first output port configured to be coupled to a standard switched telephone communications network;

a second output port configured to be coupled to an internet communications network; and

a processing unit configured and arranged to:

receive from the calling party a telephone number designating a telephonic communications addressee;

communicate with an internet appliance to determine whether the telephonic communications addressee is accessible via internet protocol telephonic communications as a function of internet connectivity status of the telephonic communications addressee;

in response to determining that the telephonic communications addressee is not accessible via internet protocol telephonic communications, telephonically connect audio information from the calling party to the other party via the first output port to establish standard telephonic communications between the calling party and the other party using the standard switched telephone communications network; and

in response to determining that the telephone number is accessible via internet protocol telephonic communications, telephonically connect audio information from the calling party to the other party via the second output port to establish internet telephonic communications between the calling party and the other party using the internet communications network.

32. The interface unit of claim 31, wherein the processing unit is configured and arranged to communicate with an internet appliance to determine whether the telephonic communications addressee is accessible via internet protocol telephonic communications as a function of internet connectivity status of the telephonic communications addressee by determining whether an internet protocol telephone call made to the communications addressee is connected.

33. The interface unit of claim 31, wherein the processing unit is configured and arranged to connect audio information from the calling party to the other party via the first output port

to establish standard telephonic communications between the calling party and the other party using the standard switched telephone communications network in response to an internet connection previously available to the interface unit being disabled.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.